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Summary record of the first part (public)* of the 2174th meeting
Held at Headquarters, New York, on Friday, 19 March 2004, at 10 a.m.

Chairman: Mr. Amor

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* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.2174/Add.1.

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Second periodic report of Suriname (*continued*) (CCPR/C/SUR/2003/2)

1. At the invitation of the Chairperson, the delegation of Suriname took places at the Committee table.

2. **Mr. Rivas Posada** said that the issues raised in questions 14 and 15 were a cause for special concern. It was very positive that the State party had recognized the irregularity inherent in periods of pre-trial detention which far exceeded what was acceptable under the Covenant. Pre-trial detention should be as short as possible. It should be used only in exceptional cases, such as those in which the detainee might abscond. He acknowledged that detainees had legal recourse, but found it nevertheless very worrying that legislation permitting excessive periods of detention existed.

3. He would be interested to know whether the State party had drafted any legislation to amend the Code of Criminal Procedure in order to rectify the situation.

4. The State party had said that incommunicado detention was used only in exceptional circumstances or extreme cases. Under the system, a detainee could be denied access to legal counsel, which would jeopardize the person's right to a proper defence as provided for under the Covenant. He asked the State party to define circumstances that were considered so exceptional as to bar a detainee from access to legal counsel, and to explain the criteria used to define "extreme cases".

5. More information on prison conditions would also be welcome. The information provided on women and juveniles stated that non-compliance with the Covenant was due to a lack of resources. He thought it would be useful to learn what effort had been made to improve the situation, and what guarantees existed concerning the separation of male and female and juvenile detainees.

6. Returning to a question relating to article 4 of the Covenant, he said that legislation existed providing for the suspension of constitutional rights and guarantees during a state of emergency, but no information had been provided on either the possible duration of the state of emergency or on the specific rights that might be affected. He noted that the State party had had no cause in recent years to take such measures. However, the very existence of such legislation was cause for concern. It seemed like an open door for an indefinite state of emergency. He therefore requested more precise information on the scope of the laws and the time frames envisaged.

7. **Mr. Solari Yrigoyen** asked for more information regarding the court that was dealing with the Moiwaba Massacre case, including its name and its location.

8. Turning to question 17, he cited paragraph 284 of the report to the effect that minors between 16 and 18 years of age were being detained with common criminals in the Santa Boma penitentiary complex. He requested more information as to the nature of the contacts between the two classes of detainees, and whether they were held in the same jails. The report had mentioned only one female minor. He would be interested to know whether she was the only female minor, whether she was held separately from the other detainees and how, generally, adults and juveniles were separated. The Government had indicated its intention to build more jails. He would be interested to know how many facilities were planned, how many had been approved and how many were under construction.

9. Turning to question 18, which dealt with improvements in the national system of education, he said the report indicated that education in the interior of the country had suffered during recent years for various reasons, including a lack of teachers or housing for them and the risk of malaria. Paragraph 290 also mentioned the language barrier as being a major obstacle. He would be particularly interested to know what steps were being taken to deal with such problems. One measure mentioned in the report was the plan for so-called nucleus centres, which were educational centres that would be set up in geographically determined areas, to serve surrounding villages. He requested information about how many were planned and where they would be located, and asked whether the Government believed that, in reality, they offered an immediate solution to the problem. He would also welcome clarification of an apparent contradiction in the report, which indicated that almost all the obstacles in the area of secondary education had been overcome, while education at the primary level was still much in need of improvement. In his opinion,

it would have been more logical to focus first on improving primary education, and then to deal with the problems at the higher level.

10. **Mr. Glélé Ahanhanzo** asked the delegation to review the population statistics given in paragraph 5 of the report: they appeared contradictory and lacking in precision.

11. He endorsed by Mr. Solari Yrigoyen's questions regarding education, and added a request for statistics showing how many indigenous and maroon children were educated in the nucleus centres. He requested further statistics indicating the access to education by indigenous and maroon children, at all levels, including university and training programmes.

12. Paragraph 300 of the report of the State party referred to a report by a special commission on gender-based discrimination which was being discussed at the cabinet level; he requested information on the report's findings.

13. The State party had said that it promoted cultural democracy. However, according to information received by the Committee, indigenous and maroon peoples had very little say in matters regarding land and natural resources, and their culture and traditions. He requested clarification on that issue, as well as more information on the nature and status of the lawsuit filed by the Saramaca Lo communities.

14. **Ms. Chanet** said that, in 2002, the Committee had been obliged to consider the issues without the benefit of a report. In spite of the goodwill shown by the State party, there had been many difficulties and many points had been withheld. It had been an unprecedented case, which had allowed the Committee to set rules on the consideration of reports. The report currently under consideration might not be perfect, but the State party's efforts to produce a document on time and in conformity with the guidelines of the Committee were highly commendable.

15. She wished to return to the issue of custody and pre-trial detention. The delegation had, it was true, acknowledged that the period of 44 days was too long and not in conformity with the Covenant. What worried her particularly, however, was the role of the Public Prosecutor, who played an active part in both the decision to prolong detention and the decision to place the detainee in incommunicado detention. Such decisions were approved, extended or overturned by an examining magistrate. She would be interested to know the status of that official. If he was independent, then a phrase of paragraph 180 of the report called that independence into question. In connection with the examining magistrate's power to release a detainee under article 54 of the Code of Criminal Procedure, the paragraph's reference to "the creation of a structure between the Public Prosecutions Department and the Office of the Examining Magistrates" in order to guard against the misuse of that article was most disturbing. The paragraph contradicted the written reply to question 14 according to which the State would bring the national legislation into conformity with international norms and law. She emphasized that the practice cited in paragraph 180 did not conform to the norms of international law.

16. She requested detailed information on the crimes that allowed for detention to be prolonged from 14 to 30 days, under article 56 of the Code of Criminal Procedure. The information could be submitted in writing to allow the delegation time to obtain it.

17. **Mr. Ando** said that the whole purpose of the dialogue was to find out whether there were human rights problems and, if so, to consider together how to overcome them. Paragraph 250 of the report referred to the "misuse of the right to strike" and called the "no work no pay principle" the cornerstone of national labour law. According to the International Labour Organization (ILO), the Labour Act of 1992 was applicable to all parts of the country, including the export processing zones. ILO had suggested that there was a need to repeal the export-processing zone amendment, which prohibited workers in those zones from striking. He would like to know whether the amendment had been repealed and what the Government's policy was on strikes by export-processing zone workers.

The meeting was suspended at 10.50 a.m. and resumed at 11.15 a.m.

18. **The Chairperson** invited the delegation to respond to the Committee's further questions.

19. **Mr. Limon** (Suriname) said, with regard to the questions on cultural democracy, that Suriname was a highly diverse multi-ethnic society. That fact was reflected in the unusual variety of national holidays in Suriname. The Government had tried to blend all elements of the cultural tapestry, so that all could prosper, and to raise awareness of the value of

diversity, and the different ethnic groups had embraced that cultural awareness. Suriname was proud of its accomplishments in that regard, although the goal was not yet fully achieved.

20. With regard to discriminatory labour legislation, he was not aware of wage disparities between men and women, but the delegation would check further with the Ministry of Labour on that point and also concerning the repeal of the export-processing amendment. In general, the Constitution guaranteed the right to strike but not the right to be paid while striking.

21. With regard to the questions on family planning, sex education and HIV/AIDS, Suriname was fortunate to have a number of non-governmental organizations, well known in the region, that had been working with the Government in those areas for many years, among them the Lobi Foundation, which dealt primarily with family planning. The National Aids Programme was engaged in raising AIDS awareness with the support of the World Health Organization and the Pan-American Health Organization. There were organizations in Suriname that worked with the families of victims of AIDS. If the Committee wished more information, his delegation could talk to the organizations concerned.

22. On the question of the 44 days of pre-trial detention, his delegation wished to consult with the Ministry of Justice before giving an answer. Any questions that the delegation could not answer at the present meeting would be addressed subsequently in writing.

23. **Mr. Rudge** (Suriname) said that what was referred to as incommunicado detention was not truly incommunicado; it was not tantamount to a disappearance. The individual concerned was able to be in contact with family members, or with the embassy in the case of an alien. A detainee might be denied access to an attorney for a certain time in the case of certain heinous crimes if there was a risk that evidence would be destroyed. The procedure to be followed was set forth in article 40 of the Code of Criminal Procedure, and the decision of the Office of the Attorney General could be appealed immediately to the High Court of Justice. It was true that there was a backlog of appeals to the High Court of Justice; if the delay was too long, however, a complaint could be filed before a special judge who could make summary judgement on the period of detention. Suriname realized that there were some defects in its legal system, but with the Committee's help it would work to correct the problems in order to offer its citizens greater access to rights and opportunities.

24. It had been asked whether under a state of emergency the Constitution would permit indefinite pre-trial detention. That question would require further research. There was no provision for bail, because Suriname had a civil-law system, not a common-law system. When a person was arrested, the individual could immediately apply to an examining magistrate to review the legality of the detention, and if the detention were prolonged, the detainee could make repeated applications.

25. With regard to prison conditions, the Santa Boma detention centre was a complex with separate facilities for women, for men and currently for boys. There had been a facility for boys in a different location away from the complex, but there were too few boys in that facility to make it feasible to maintain. In fact, the policy was not to sentence under-age boys and girls to prison if at all possible, but to place them in special juvenile centres. In the women's prison there was only one girl, who had committed murder, and she was held separately from the other inmates.

26. Additional information concerning education in the interior regions was contained in the annexes.

27. **Ms. Waterval** (Suriname) said that she wished to provide the Committee with additional information on the Moiwana and Saramaca Lo cases. The Moiwana case was currently before the Inter-American Court of Human Rights and the Surinamese Government was awaiting the Court's response to its written submissions. Suriname had also appointed an agent, a sub-agent and an ad hoc judge to deal with the case.

28. The Saramaca Lo case had been referred to the Inter-American Commission on Human Rights but had not yet been declared admissible. Since the Surinamese Government had been unable to attend a hearing scheduled for 5 March 2004, the case would be heard at the next regular session of the Commission in October. The State had also initiated negotiations with a view to an out-of-court settlement. The case itself dealt, inter alia, with the question of consulting indigenous and maroon peoples before granting concessions to third parties in the interior of Suriname. The Forestry Act did provide for the holding of such consultations; in that connection, she drew attention to

the annex to the report, which contained a number of letters from tribal chiefs granting third parties permission to carry out exploratory work within their territories.

29. She emphasized that racial discrimination did not exist in Suriname: the country's ethnic groups had lived together in harmony for many centuries and wished to continue doing so. However, problems sometimes arose when foreign consultants encouraged indigenous groups to act in ways that had a negative impact on the country as a whole. It was important to exercise caution when passing judgement on the way in which the Government dealt with the indigenous population, as the situation was extremely complex and involved many different ethnic groups.

30. **Mr. Rudge** (Suriname) said that Ms. Chanet's questions on custody and pre-trial detention would be addressed in Suriname's supplementary written replies. He said that the offences listed in article 56 of the Code of Criminal Procedure, contained in the annex to the report, carried penalties of imprisonment in excess of three years. The provisions of that article were intended to provide the Surinamese authorities with a way of keeping persons accused of specific, serious offences and who were not domiciled in Suriname within the jurisdiction of the State.

31. **Sir Nigel Rodley**, referring to question 15 on the list of issues, said that, pursuant to current international law, incommunicado detention *stricto sensu* meant detention without any access whatsoever to the outside world. He would like confirmation from the delegation that that kind of detention did not exist in Suriname. With reference to paragraph 167 of the report, he asked whether suspects who were denied access to a lawyer were exempt from interrogation. If that was the case, he would like to know what the implications of that situation were.

32. **Mr. Bhagwati** said that he understood from paragraph 177 of the report that suspects in police custody were entitled to apply to the examining magistrate for pre-trial release. He would like to know how many such requests had been granted. In addition, he enquired as to the existence of any procedure to ensure that accused persons were brought promptly before the examining magistrate, as stipulated in article 9 of the Covenant.

33. **Mr. Solari Yrigoyen** said he would welcome a reply to question 18.

34. **Mr. Limon** (Suriname) reiterated that it might not be possible to provide full answers to all the Committee's oral questions on the spot. In certain cases, it would be necessary to obtain specific information from relevant national experts and agencies. However, he intended to submit, that afternoon, a written document giving an overview of progress made on the issues raised by the Committee and the difficulties encountered in that respect.

35. **The Chairperson** said that he had taken note of the efforts made by the representatives of Suriname to reply to the questions posed. However, he wished to make two remarks: first, the main focus of the Committee's work during its sessions was the relevant State party's report, which must be prepared in accordance with the guidelines on the form and content of reports and contain information about the implementation of the Covenant at the national level. With particular reference to paragraph D.3.1 of the guidelines, he said that reports could be supplemented by annexes, but stressed that the report must be clear and comprehensible without reference to those annexes. Secondly, the discussion with the representatives of the State party was not intended to be a formal exercise. Its purpose was to enable the Committee to carry out its work and foster mutual understanding between the parties. The State party was permitted to submit, within a reasonable time frame (usually three working days), additional information to supplement its oral replies, but the submission of such information should not be a replacement for meaningful debate.

The public part of the meeting rose at 12.10 p.m.